



BARSTOW CITY COUNCIL/SUCCESSOR AGENCY/BFPD
 CITY COUNCIL CHAMBERS
 220 EAST MOUNTAIN VIEW STREET
 BARSTOW, CA 92311

JULY 15, 2019
 7:00 PM
 (HANDICAPPED ACCESSIBLE)

MINUTES

JOINT SPECIAL MEETING

INVOCATION:

ELDER BLAND from Barstow Church of God in Christ gave the invocation.

PARTICIPATION IS INVITED: IF YOU WISH TO BE HEARD ON ANY ITEM ON THE AGENDA INCLUDING ANY ITEM ON THE CONSENT CALENDAR, PLEASE SO INDICATE BY FILLING OUT A "REQUEST TO SPEAK" FORM AND HAND TO THE CITY CLERK. IF SPECIAL ACCOMMODATIONS ARE REQUIRED, 48 HOURS NOTICE MUST BE GIVEN TO THE CITY CLERK.

CALL TO ORDER:

MAYOR/CHAIR HACKBARTH-MCINTYRE called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE:

MISS LORETTA AND TOT TIME "KIDS" led the Pledge of Allegiance.

ROLL CALL:

ALL PRESENT

Attendee Name	Title	Status	Arrived/Left
James M. Noble	Council Member/Director	Present	
Richard Harpole	Council Member/Director	Present	Left 9:22 pm
Carmen Hernandez	Mayor Pro Tem/Vice Chair	Present	
Timothy Silva	Council Member/Director	Present	
Julie Hackbarth-McIntyre	Mayor/Chair	Present	

CODE OF ETHICS: AS YOUR ELECTED GOVERNING BOARD WE WILL REMEMBER THE "CODE OF ETHICS" THAT WE VOLUNTARILY AND UNANIMOUSLY APPROVED. DURING THIS MEETING WE WILL TREAT EACH OTHER AND THE PUBLIC WITH PATIENCE, CIVILITY AND COURTESY. THE DECISIONS MADE TONIGHT WILL BE FOR THE BENEFIT OF THE BARSTOW COMMUNITY AND NOT FOR PERSONAL GAIN.

PRESENTATIONS:

1. CERTIFICATE OF APPRECIATION FOR PLEDGE LEADER

Recommended Action:

Presentation item.

Miss Loretta and her TOT TIME "KIDS" led the pledge.

RESULT: PRESENTATION ONLY

2. AFTER-EVENT REPORT AND PRESENTATION BY THE HIGH DESERT JR. SHOOTERS

Recommended Action:

After-event report and presentation only.

JIM EICHLER, REPRESENTATIVE FROM HIGH DESERT YOUTH SHOOTERS CLUB

- Gave a presentation on the High Desert Youth Shooters Club.
- Thanked the Parks and Recreation Department for their hard work and dedication to making things perfect for their event.
- Noted that the High Desert Youth Shooters Program began eight years ago with children from Ridgecrest and Barstow between the ages of eight and eighteen.
- Explained the Club was created to teach children how to handle firearms safely and properly.
- Noted that the High Desert Youth Shooters Program was a competition shooting group who traveled to eight different gun clubs throughout the High Desert and competed against other children their ages.
- Explained that the Club put on a banquet every year to help raise money for shells, targets, and food, in order to avoid any out of pocket expenses to the members of the Club.
- Thanked the City for allowing the High Desert Youth Shooters Program to use the Cora Harper Fitness Center for their fundraising banquet.
- Reiterated that all money raised through raffles of donated goods went back to the children.
- Stated that the Club raised \$12,000 plus a generous anonymous donation.
- Noted that the \$12,000 raised was enough to carry the Club for one full year.
- Invited members of the community to join the High Desert Youth Shooters Program.
- Stated that those interested in joining could call H&B Refrigeration at 760 256-5651 and leave a voicemail for Jim Eichler.

RESULT: PRESENTATION ONLY

3. AFTER-EVENT REPORT AND PRESENTATION BY BARSTOW LITTLE LEAGUE SOFTBALL

Recommended Action:

After-event report and presentation only.

PRESENTATION TO BE HELD AT A LATER DATE.

RESULT: PRESENTATION ONLY - CONTINUED

PUBLIC HEARING:

NONE.

REPORT OF CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL

Anticipated Litigation

(GOVERNMENT CODE SECTION 54956.9(d)(2))

A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

Number of potential cases: Two (2)

2. CONFERENCE WITH LABOR NEGOTIATIONS

Labor Negotiations (Government Code Section 54957.6) Public Employee(s)

City Negotiator: City Manager/District Administrator Nikki Salas

Employee Organization:

Unit 3 Barstow Police Officers' Association

Unit 5 Barstow Professional Firefighters' Association

ASSISTANT CITY ATTORNEY MATTHEW SUMMERS reported the following:

Item No. 1: The City Council met in Closed Session to receive a briefing regarding anticipated litigation on two potential cases. No reportable action was taken.

Item No. 2: The City Council/Fire Board met in Closed Session to receive a status report and briefing regarding negotiations with Unit 3 and Unit 5. Direction was provided to staff. No reportable action was taken.

PUBLIC COMMENT:

SPEAKERS

JOHN HILL - BARSTOW CA

- Noted that he was attending to speak about the First Street Bridge.
- Stated that he believed it was very important to keep a hold of the First Street Bridge.
- Noted that he knew it would cost a lot of money for the City to repair the First Street Bridge.
- Suggested that the Council get in touch with the Barstow Area Chamber of Commerce and find ways to fundraise together.
- Expressed his concern that the new bridge design would give drivers too many opportunities to speed.

PAT ALEMAN - BARSTOW CA

- Stated that it was very nice to see Mrs. Loretta's Tot Time students lead the Pledge of Allegiance.
- Asked the Council why he was not asked to speak during the public hearing when he put his name down to speak on a few items.
- Noted that most Republicans were against taxation, but known Republicans on the Council still approved Measure Q to be put onto a ballot.
- Explained that was why he often stated that Council and Mayor Hackbarth-McIntyre were pro tax.

DARREN FIKSTAD - BARSTOW CA

- Stated that Desert Manna was responsible for providing 12 to 14 pallets of emergency relief products to the City of Trona after the earthquakes caused significant amounts of damage.
- Noted that KDUC, Daily Press, and KTLA all did a wonderful job of promoting Desert Manna's relief collections.
- Noted that Desert Manna would be going back to Trona on July 26, 2019, to deliver fresh produce and other goods that partner agencies have pledged to donate.
- Noted that the Marketplace Route 66 and Cattleman's Route 66 were opening up in the community soon.
- Questioned why he had not heard from City officials that the two businesses were coming to Barstow.
- Asked the Council for their support and for an announcement of the opening of the two businesses.

BENNIE FREDRICK - BARSTOW CA

- Noted that he came to the Council meetings faithfully for transparency and answers to his questions.
- Asked the Council why Patricia Rosenberg was no longer attending the Council meetings.

- Questioned the Council regarding Terri Peralta and Randy Cranks' absences from the Parks and Recreation Department.

FRANK DILLARD - BARSTOW CA

- Suggested that Fire Chief Williams alert the public of the need for an earthquake preparedness kit.
- Stated that he would like to see the events that take place at the Barstow Senior Center advertised on Channel 6.
- Said that he enjoyed the Family Fun Day event held Saturday July 13, 2019.

JOE CRUZ - BARSTOW CA

- Announced that the Friday Night Lights event would be held the first Friday of every month.
- Noted that he and Bennie Fredrick were invited as one of the High Desert's media streams to a meeting discussing the High Desert's economy.
- Noted that in the year 2000, 24% of the City of Barstow's population was on welfare, and as of July 2019 the number skyrocketed to 75%.

MANNY LOPEZ - BARSTOW CA

- Stated that the children of Barstow were going to be in trouble if the City did not change.
- Stated he did not see enough happening in the community for children.

DAVID MENDEZ - BARSTOW CA

- Stated that it had been nine months since the Resident Oversight Commission was appointed and there had yet to be a swearing-in ceremony.
- Noted that a fire truck was purchased even though funds had not been obligated for it yet.
- Asked when training would be held for the Oversight Commission.
- Asked how Council planned to use Measure Q money on the City outside of public safety.

ROSE BEARDSHEAR - BARSTOW CA

- Thanked the Council as well as the community of Barstow for coming out to support the Reimagine Barstow event.
- Noted that District 4 had problems with transient visitors who needed affordable housing options.
- Stated that on July 19, 2019 at 10:00 a.m. the Barstow Area Chamber of Commerce was hosting the San Bernardino County Consolidated Plan Update and Analysis of Impediments.
- Stated this was an opportunity for the public to come out and learn about all programs in the City for affordable housing.

MIKE HERNANDEZ - BARSTOW CA

- Stated that approximately three years ago, the Council Chambers were re-done and pictures of past Council Members were taken down, with promise that they were to be put somewhere for the public's viewing.
- Stated that he would like to see a biography with pictures of past Council Members on Channel 6.
- Noted that Council and City staff needed to do a better job at getting information onto Channel 6.

ROLAND ULLOA - BARSTOW CA

- Noted he saw the children reciting the Pledge of Allegiance and thought to himself that those children were the same age as children being detained on the Mexican border.
- Expressed his disagreement with Council signing President Trump's lawsuit against the State of California.
- Asked Mayor Hackbarth-McIntyre to apologize for the resolution regarding President Trump's lawsuit.
- Asked Mayor Hackbarth-McIntyre to resign from her position.

VIRGINA BROWN - BARSTOW CA

- Stated she received a phone call from a neighbor who was upset that someone attempted to break into her house, and when the Police were called, it took them 41 minutes to reach the woman.
- Stated when the Police finally arrived, the second officer stated the reason it took them so long to respond to the call was that they had more pressing issues to attend to.
- Expressed that she wanted crime taken more seriously in Barstow.

REVIEW AND APPROVAL OF AGENDA:

MOTION: COUNCILMEMBER HARPOLE MOVED,, SECONDED BY COUNCILMEMBER SILVA AND MOTION CARRIED UNANIMOUSLY TO MOVE ITEM NO. 18 TO BE HEARD BEFORE THE CONSENT CALENDAR AND TO APPROVE THE REST OF THE AGENDA AS PRESENTED.

STAFF REPORTS:

NONE.

POLICE CHIEF COMMENTS:

CAPTAIN ESPINOZA

- Explained the process of issuing a "No Trespassing Notice" to members of the public who were asked to leave a business, such as the 99 Cent Only Store.
- Noted that the Police Department only had jurisdiction to remove the person in question if the business owner or victim reported it to the Police.
- Explained that there were some businesses in town that allowed loitering; and in those cases, the Police Department then calls the corporate offices to ask if that was the direction of the organization or of the store manager.
- Stated depending on what the corporate office said, appropriate action was then taken.
- Noted that panhandling in California was not a crime unless the person panhandling became aggressive or violent.
- Stated that the officers had been in contact with corporate offices of the 99 Cent Only Store, and they were very cooperative in fixing the problem with panhandlers in front of the Barstow location.
- Stated that the Police Department created a flyer for safe and sane fireworks every year, explaining that safe and sane fireworks were the only fireworks legal in the City of Barstow.
- Noted that illegal firework patrol involved plain clothed officers and uniformed officers, as well as the Fire Department.
- Explained that there were 57 calls for service on the 4th of July, and 19 citations for Illegal fireworks were written.
- Noted that there were 196 illegal fireworks confiscated from the Barstow area.
- Stated that other cities inside of California reached out to the officers at the City of Barstow for advice on how to issue citations and confiscate fireworks.

MAYOR HACKBARTH- MCINTYRE

- Asked how much a citation for illegal fireworks would cost a violator.

CAPTAIN ESPINOZA

- Stated that there were two types of citations that could be issued.
- Explained that if a Barstow Municipal Code misdemeanor citation was issued, the fine would be a couple hundred dollars.
- Explained that if an administrative citation was issued, the fine would cost up to \$1,000.

COUNCILMEMBER SILVA

- Asked if officers were catching any repeat offenders.
- Stated it seemed as though illegal fireworks were coming from the same areas.
- Asked if the Rules and Policies Committee needed to look into raising fines for illegal citations.

CAPTAIN ESPINOZA

- Answered there were absolutely repeat offenders cited.
- Stated that raising the fines for the usage of illegal fireworks would definitely be something worth looking into.

COUNCILMEMBER HARPOLE

- Questioned when two police officers were riding in the same patrol car, if it usually meant the passenger officer was in training status.
- Asked if there had been any problems recently with staffing due to injury.

CAPTAIN ESPINOZA

- Answered that when two officers were staffed into the same patrol car, it meant that the second officer was in fact in training.
- Answered that the Police Department was struggling with staffing due to injuries.

MAYOR PRO TEM HERNANDEZ

- Noted there were significant amounts of illegal fireworks shot off near her house and in the Lillian Park area on the Fourth of July and were ongoing.

COUNCILMEMBER NOBLE

- Asked if there had been an increase in illegal firework citations since 2018.
- Asked if officers were patrolling for fireworks all over the City of Barstow or if they were just patrolling areas of concern.

CAPTAIN ESPINOZA

- Noted that the calls for service had decreased since the year before, but citations as well as the amount of fireworks confiscated had increased.
- Noted that officers kept track of areas of concern and patrolled those areas heavily, but were looking out for illegal fireworks in other areas as well.

FIRE CHIEF COMMENTS:

FIRE CHIEF JAMIE WILLIAMS

- Noted that she planned on becoming more aggressive with backing the Police Department on citations for illegal fireworks.
- Provided an update on the City of Trona, stating that they were in the recovery process and were slowly but surely moving forward in the process of rebuilding their city.
- Stated Trona still had a boil water advisory in place as of July 15, 2019.
- Shared that there were still 60 to 80 people in shelters due to earthquake damages.
- Noted that Barstow was within ten miles of some of the major fault lines.
- Provided flyers with tips for earthquake safety to the public and Council.
- Noted that those who were not in attendance at the Council meeting could pick up flyers at the Fire Department.
- Noted that there was at least one 2.0 or greater aftershock happening every 20 minutes.
- Encouraged the public to download the ready.gov earthquake app for further information about the earthquake swarm.
- Explained that there were applications for mobile phones to download that informed citizens when an earthquake happened.
- Stated that the probability of more earthquakes happening rose any time fault lines were activated.
- Noted that the earthquakes have caused no significant damage within City limits.
- Asked the citizens of Barstow to report any earthquake damage first to their insurance companies and then, if necessary, to the Barstow Fire Department.

BUSINESS OF THE COUNCIL / SUCCESSOR AGENCY/ BFPD:

COUNCILMEMBER SILVA

- Asked about the status of the cuts that were done on Borrego Drive and Rimrock Road.

CONSULTING CITY ENGINEER BRAD MERRELL

- Noted that the cuts done to Rimrock Road were done by Southwest Gas Company and the City was working with them to get it repaired properly.

COUNCILMEMBER HARPOLE

- Noted that he checked the City website to make sure that the previous Council Member photographs were shown and he did find them.
- Complemented City staff on the amount of posts he was seeing on social media for City events being held.

MAYOR PRO TEM HERNANDEZ

- Stated she would be meeting with Southwest Gas on July 18, 2019.
- Noted she asked City Manager Nikki Salas for any updates regarding Southwest Gas so that they may bring up any issues at the meeting.

COUNCILMEMBER NOBLE

- No comments.

MAYOR HACKBARTH- MCINTYRE

- Informed the public that Mr. Leonard Purdy retired after 41 years serving the community at Barstow Tire and Brake.
- Reflected on her memories of Mr. Purdy's years serving the Barstow community.
- Stated that the Family Fun Day Event that took place Saturday, July 13th was a great success.
- Noted that 400 children participated in the event.
- Thanked staff for all their hard work during the event.

CITY MANAGER / EXECUTIVE DIRECTOR / DISTRICT ADMINISTRATOR COMMENTS:

CITY MANAGER NIKKI SALAS

- Stated that City Clerk Services Manager Tanya Gordon was working on scheduling the Resident Oversight Commission's first meeting.
- Explained that the Measure Q budget was approved at the second workshop meeting in June.
- Noted that members would be notified of when the first meeting would take place and when training would begin.
- Stated that as of July 15, 2019, the City had only received notification of the April tax payment.
- Notified the public on Patricia Rosenberg's retirement from the City of Barstow.
- Thanked the City staff that helped with Barstow's Fourth of July event.
- Thanked Heidi Riley and Chris Heldreth for their hard work getting a business in the Yellow Freight building in Barstow.
- Reported that Yellow Freight was in the process of closing escrow on that building.
- Estimated that the new business would bring 93 jobs to the City of Barstow.
- Thanked all staff for bringing the Yellow Freight project to fruition.
- Noted there was a new Chevron station planned for the corner of Barstow Road and Armory Road.
- Stated that Home 2 Suites started grading their pad and construction would be beginning soon.
- Stated that electric charging stations were going into the Walmart parking lot.
- Noted that a Jack in the Box was going into the Walmart shopping center.
- Stated that there were five tentative businesses that were going into the strip mall in the Walmart parking lot.

ITEM #18 WAS TAKEN OUT OF ORDER AND ADDRESSED AS THE FIRST ORDER OF BUSINESS BEFORE THE CONSENT CALENDAR ITEMS PER MOTION MOVED BY COUNCIL MEMBER HARPOLE AND SECONDED BY COUNCIL MEMBER SILVA.

COUNCILMEMBER HARPOLE EXCUSED HIMSELF FROM THE MEETING (AFTER ITEM #18) DUE TO ILLNESS AT 9:22 P.M.

CONSENT CALENDAR ITEMS:

CITY CLERK COUSINO READ THE FOLLOWING:

BFPD:

4. MINUTES JOINT SPECIAL COUNCIL/BFPD - JUNE 17, 2019 7:00 PM

Recommended Action:

Approve the minutes as presented.

RESULT:	APPROVED [4-0-1-0]
MOVER:	Carmen Hernandez, Mayor Pro Tem/Vice Chair
SECONDER:	James M. Noble, Council Member/Director
AYES:	Noble, Hernandez, Silva, Hackbarth-McIntyre
ABSENT:	Harpole

5. BARSTOW FIRE DISTRICT - RATIFICATION OF ACCOUNTS PAYABLE EXPENDITURES

Recommended Action:

Approve and ratify expenses as audited for checks # 76988 - 77247 totaling \$189,459.51.

RESULT:	APPROVED [4-0-1-0]
MOVER:	Carmen Hernandez, Mayor Pro Tem/Vice Chair
SECONDER:	James M. Noble, Council Member/Director
AYES:	Noble, Hernandez, Silva, Hackbarth-McIntyre
ABSENT:	Harpole

6. ADOPTION OF FIRE DISTRICT BUDGET FY 2019-20

Recommended Action:

Staff recommends that the Board take the following actions:

1. Approve the Fiscal Year 2019-20 Budget, adopt the attached budget document and BFPD Resolution 45 - 2019 and waive the full reading.
2. Appropriate the expenditures listed in the Fiscal Year 2019-20 Budget.

RESULT:	APPROVED [4-0-1-0]
MOVER:	Carmen Hernandez, Mayor Pro Tem/Vice Chair
SECONDER:	James M. Noble, Council Member/Director
AYES:	Noble, Hernandez, Silva, Hackbarth-McIntyre
ABSENT:	Harpole

SUCCESSOR AGENCY:

7. RATIFICATION OF SUCCESSOR AGENCY FOR THE BARSTOW REDEVELOPMENT AGENCY ACCOUNTS PAYABLE EXPENDITURES

Recommended Action:

Approve and ratify expenses, as audited, for check # 76997 & check # 77067 totaling \$3,273.50.

RESULT:	APPROVED [4-0-1-0]
MOVER:	Timothy Silva, Council Member/Director
SECONDER:	Carmen Hernandez, Mayor Pro Tem/Vice Chair
AYES:	Noble, Hernandez, Silva, Hackbarth-McIntyre
ABSENT:	Harpole

CITY COUNCIL:

8. MINUTES CLOSED SESSION - JUNE 10, 2019 5:00 P.M.

Recommended Action:

Approve minutes as presented.

RESULT:	APPROVED [4-0-1-0]
MOVER:	Carmen Hernandez, Mayor Pro Tem/Vice Chair
SECONDER:	Timothy Silva, Council Member/Director
AYES:	Noble, Hernandez, Silva, Hackbarth-McIntyre
ABSENT:	Harpole

9. MINUTES BUDGET MEETING - JUNE 10, 2019 5:30 P.M.

Recommended Action:

Approve minutes as presented.

RESULT:	APPROVED [4-0-1-0]
MOVER:	Carmen Hernandez, Mayor Pro Tem/Vice Chair
SECONDER:	Timothy Silva, Council Member/Director
AYES:	Noble, Hernandez, Silva, Hackbarth-McIntyre
ABSENT:	Harpole

10. MINUTES JOINT SPECIAL COUNCIL/BFPD - JUNE 17, 2019 7:00 PM

Recommended Action:

Approve the minutes as presented.

RESULT:	APPROVED [4-0-1-0]
MOVER:	Carmen Hernandez, Mayor Pro Tem/Vice Chair
SECONDER:	Timothy Silva, Council Member/Director
AYES:	Noble, Hernandez, Silva, Hackbarth-McIntyre
ABSENT:	Harpole

11. RATIFICATION OF ACCOUNTS PAYABLE EXPENDITURES

Recommended Action:

Approve and ratify expenses, as audited, for checks # 76987 - 77250 and wires # 614 - 616 totaling \$1,097,196.67.

RESULT: APPROVED [4-0-1-0]
MOVER: Carmen Hernandez, Mayor Pro Tem/Vice Chair
SECONDER: Timothy Silva, Council Member/Director
AYES: Noble, Hernandez, Silva, Hackbarth-McIntyre
ABSENT: Harpole

12. SETTING PUBLIC HEARING FOR AUGUST 5, 2019, TO CONSIDER ELIMINATION OF GENERAL FUND SUBSIDY OF PROPERTY OWNER SOLID WASTE COLLECTION RATES, EXCEPT FOR SINGLE FAMILY RESIDENTIAL PROPERTIES AND TO SEPARATELY CONSIDER AN AMENDMENT TO THE FRANCHISE AGREEMENT WITH BURRTEC WASTE INDUSTRIES, INC.

Recommended Action:

Staff recommends that the City Council set the public hearing for consideration of a) eliminating the City's general fund subsidy of the solid waste collection rates in all categories except single family residential and b) an amendment to the solid waste franchise agreement with Burrtec Waste for Monday, August 5th, 2019, at 7:00 p.m. in the Barstow Council Chambers.

MAYOR HACKBARTH-MCINTYRE

- Noted corrections to the Agenda Item Executive Summary paragraph one as submitted by staff to read as follows:

"August 5, 2019, was the date recommended by staff for a public hearing before the City Council to consider the elimination of the current Council policy of subsidizing the solid waste collection rates for property owners within the City of Barstow. Staff recommends a two-step process to eliminate the subsidy by first eliminating the subsidy for all properties except single family residential properties, which will be reduced".

RESULT: APPROVED [4-0-1-0]
MOVER: Carmen Hernandez, Mayor Pro Tem/Vice Chair
SECONDER: Timothy Silva, Council Member/Director
AYES: Noble, Hernandez, Silva, Hackbarth-McIntyre
ABSENT: Harpole

13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BARSTOW, CALIFORNIA, ADOPTING THE 2018 LOCAL HAZARD MITIGATION PLAN UPDATE, AUTHORIZING FUTURE NON-SUBSTANTIVE AMENDMENTS TO THE PLAN, AND RESCINDING RESOLUTION NO. 4628-2011

Recommended Action:

That the City Council adopt Resolution No. 4966-2019, adopting the 2018 Barstow Local Hazard Mitigation Plan update and waive the full reading.

RESULT: APPROVED [4-0-1-0]
MOVER: Carmen Hernandez, Mayor Pro Tem/Vice Chair
SECONDER: Timothy Silva, Council Member/Director
AYES: Noble, Hernandez, Silva, Hackbarth-McIntyre
ABSENT: Harpole

14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BARSTOW, CALIFORNIA, ADOPTING A MASTER FEE SCHEDULE (FY 2019/2020)

Recommended Action:

Staff recommends that the City Council approve Resolution No. 4967-2019 adopting the Master Fee Schedule for FY 2019/2020, and waive the full reading.

COUNCILMEMBER SILVA

- Requested clarification on locating sewer laterals and the related use of Dig Alert as a free service.

SENIOR ADMINISTRATIVE ANALYST HEIDY REILY

- Stated that it was a service that was offered by the Industrial Pretreatment Department used for locating the actual sewer lateral, while Dig Alert provides the location of the sewer line.

MAYOR PRO TEM HERNANDEZ

- Requested that the master fee changes be listed as there were only a few to be addressed.

SENIOR ADMINISTRATIVE ANALYST HEIDY REILY

- Provided the proposed changes in fees to encroachment permits, sewer lateral bypass, Notary fees and Business License related technology fees.

SPEAKERS

PAT ALEMAN - BARSTOW, CA

- Stated that the Public Hearing on August 5, 2019 for the amendment to the agreement with Burrtec Waste needs to be widely advertised to ensure the community is aware of the proposed rate increase.
- Requested clarification on the proposed fee changes.

SENIOR ADMINISTRATIVE ANALYST HEIDY REILY

- Provided the proposed changes in fees to encroachment permits, sewer lateral bypass, Notary fees and Business License related technology fees.

MIKE HERNANDEZ - BARSTOW, CA

- Expressed his concern of the fee increases on the City Business Licenses.
- Questioned why he would pay the City to find a sewer lateral on his own property.

BUILDING OFFICIAL CHRIS HELDRETH

- Explained the circumstances that the Sewer Lateral search service by the City Industrial Pretreatment Department could be utilized.
- Property owners or developers could find sewer laterals for new development or if a new property owner did not have the exact location.
- Stated that there were other resources that could be utilized to find sewer laterals aside from the City.

RESULT:	APPROVED [4-0-1-0]
MOVER:	Timothy Silva, Council Member/Director
SECONDER:	James M. Noble, Council Member/Director
AYES:	Noble, Hernandez, Silva, Hackbarth-McIntyre
ABSENT:	Harpole

BUSINESS ACTION ITEMS:

BFPD:

15. ADOPTION OF RESOLUTION NO. 4967-2019 ACKNOWLEDGING RECEIPT OF ANNUAL INSPECTION REPORT

Recommended Action:

Staff recommends the Barstow Fire Protection District's Board adopt Resolution No. 46-2019 which acknowledges receipt of the annual report of mandated inspection compliance of

public/private schools, hotel/motel/lodging house, certain residential care facilities and apartment houses within its jurisdiction for compliance of building standards as per Senate Bill No. 1205, and waive the full reading.

FIRE CHIEF WILLIAMS

- Stated that the results of the Fire Annual Inspections were mandated by Senate Bill No. 1205.

BUILDING OFFICIAL CHRIS HELDRETH

- Discussed the history and intent of Senate Bill No. 1205.
- Provided information on the proposed Resolution that included functions that the City had completed and also those that have not.

DIRECTOR SILVA

- Inquired as to the amounts charged for Private Schools.

BUILDING OFFICIAL CHRIS HELDRETH

- Provided that school inspection fees were \$120, which included the permit and inspection.

DIRECTOR SILVA

- Inquired about state reimbursement of inspection fees.

BUILDING OFFICIAL CHRIS HELDRETH

- Discussed how those inspection fees were recouped by the City, stating the State of California mandates that the inspections be conducted while the fees may be collected by the City for conducting the inspection or the City may defer the inspections to the State who in turn would bill the City.

ASSISTANT CITY ATTORNEY MATTHEW SUMMERS

- Added that the State of California Mandate was the unreimbursed mandate requirement with an exception to that rule, stating that if you had the ability to charge a fee for that service, then the State would not reimburse it even if you imposed that fee.
- Noted that if we were not imposing that fee, then that fee would not be reimbursable, even if the City had the State complete the inspections by the State Fire Marshall.

VICE CHAIR HERNANDEZ

- Clarified that multiple unit structures were not charged unless they were actually inspected.

FIRE CHIEF WILLIAMS

- Provided that under new regulations, the City was now required to inspect the multiple unit structures for life safety issues for which a fee would be charged.

BUILDING OFFICIAL CHRIS HELDRETH

- Stated the charges were structured as \$100 for the first unit and \$10 for each additional unit.

DIRECTOR NOBLE

- Questioned if the fees were structured as an annual inspection.

BUILDING OFFICIAL CHRIS HELDRETH

- Confirmed this item would be brought before the Board annually.

MIKE HERNANDEZ - BARSTOW, CA.

- Asked if we would be recuperating the total City costs.
- Asked how long it took to certify 2,500 homes and what would the staffing requirements be to meet the mandated inspections.

BUILDING OFFICIAL CHRIS HELDRETH

- Responded that currently the City did not inspect apartments, but the department was hoping to add another inspector.
- Stated that this function would not cover 100% of the total costs of the inspections.

DIRECTOR NOBLE

- Inquired as to the particulars of conducting an inspection.

FIRE CHIEF WILLIAMS

- Responded that true value and figures could only be speculated as there were no previous experiences to compare with.
- Stated the inspectors would be looking for smoke and carbon dioxide detectors and other safety features, and that inspectors would be trained and State certified.

DIRECTOR SILVA

- Clarified that his intention was not to obtain dollars from the School District.

RESULT:	APPROVED [4-0-1-0]
MOVER:	Carmen Hernandez, Mayor Pro Tem/Vice Chair
SECONDER:	James M. Noble, Council Member/Director
AYES:	Noble, Hernandez, Silva, Hackbarth-McIntyre
ABSENT:	Harpole

SUCCESSOR AGENCY:

CITY COUNCIL:

16. ADOPTION OF RESOLUTION NO. 4968 - 2019 OF THE CITY COUNCIL OF THE CITY OF BARSTOW AUTHORIZING THE CITY TO ENTER INTO A MASTER EQUITY LEASE AGREEMENT WITH ENTERPRISE FLEET MANAGEMENT FOR THE REPLACEMENT OF NINE (9) CITY VEHICLES AND THE ADDITION OF FOUR (4) NEW LEASE VEHICLES

Recommended Action:

Staff recommends that the City Council take the following actions:

1. Adopt Resolution No. 4968 - 2019 to authorize the City of Barstow to enter into a Master Lease Agreement with Enterprise Fleet Management for the replacement of nine (9) vehicles and acquisition of four (4) new vehicles, authorize the CM to sign contracts, and waive the full reading.
2. Authorize the expenditure of: A) \$151,461.89 from Measure Q, B) Additional budgeting and expenditure of \$8,830.89 from the Wastewater Fund 605.605.603.07.733, and C) \$13,645.61 from the General Fund 100.120.211.07.733.
3. Authorize the City Manager or her designee to execute the required agreements.

ASSISTANT CITY MANAGER CINDY PROTHRO

- Provided information on currently owned and leased vehicles within the City Departments.

COUNCILMEMBER SILVA

- Requested clarification on cost breakdown on police leased vehicles.

ASSISTANT CITY MANAGER CINDY PROTHRO

- Provided that the amounts provided were for each individual leased vehicle on a three-year contract.

ACCOUNTANT LORRAINE BARNES

- Provided information on the particulars of assembling the requirements of a police vehicle and related costs.

MAYOR PRO TEM HERNANDEZ

- Stated that she would like to see information on the cost effectiveness of leasing versus purchasing.

ASSISTANT CITY MANAGER CINDY PROTHRO

- Provided that this was the second year that the City has utilized leasing of vehicles on the three-year lease, noting that better assessments would be available after the third year.
- Stated that leasing allowed the City to replace police vehicles sooner and reduced maintenance costs.
- Noted that vehicles that were fifteen years or older were being replaced.

SPEAKERS

PAT ALEMAN - BARSTOW, CA

- Asked about the funding source for the new vehicles.
- Wondered about the intent of the Measure Q Commission.

LEONARD WILLIAMS - BARSTOW, CA

- Inquired if these were budgeted funds.

CITY MANAGER NIKKI SALAS

- Confirmed that the funds were budgeted.
- Clarified that the Measure Q Commission was set to review what has been spent while the City Council approves the expenditures.
- Stated the Commission would review that the monies that have been spent as the City Council had directed.

MIKE HERNANDEZ - BARSTOW, CA

- Asked what the life expectancy was of the police vehicles that were being purchased.
- Inquired as to what was the delivery time and penalty if not delivered as agreed.
- Stated that there should be a time-frame identified in the contract when the vehicles were to be delivered.
- Asked how these expenditures would be put into the budget as the budget had already been approved.

CITY MANAGER NIKKI SALAS

- Stated that they were requesting more funding in addition to the budget that was just approved, specifying that both vehicles were aside from Measure Q.
- Discussed the lease terms on the vehicles.

ASSISTANT CITY MANAGER CINDY PROTHRO

- Stated that police vehicles required additions and equipment that would be added prior to delivery.
- Stated that payments would not begin until the City took delivery of the vehicles.

RESULT:	APPROVED [4-0-1-0]
MOVER:	Carmen Hernandez, Mayor Pro Tem/Vice Chair
SECONDER:	James M. Noble, Council Member/Director
AYES:	Noble, Hernandez, Silva, Hackbarth-McIntyre
ABSENT:	Harpole

17. PROFESSIONAL SERVICES AGREEMENT FOR FEDERAL ADVOCACY SERVICES

Recommended Action:

Approve Professional Services Agreement between the City and Carpi and Clay.

CITY MANAGER NIKKI SALAS

- Provided an overview of the terms and conditions of the proposed contract for federal advocacy services.

MAYOR PRO TEM HERNANDEZ

- Asked if City staff had ever sent this service out on a Request for Proposal (RFP).

CITY MANAGER NIKKI SALAS

- Stated that we could calendar that after the completion of the contract.

SPEAKER

MIKE HERNANDEZ - BARSTOW, CA

- Shared his opposition of long-term continuance contracts.

RESULT:	APPROVED [4-0-1-0]
MOVER:	Carmen Hernandez, Mayor Pro Tem/Vice Chair
SECONDER:	Timothy Silva, Council Member/Director
AYES:	Noble, Hernandez, Silva, Hackbarth-McIntyre
ABSENT:	Harpole

18. APPROVAL OF SECOND AMENDMENT TO EMPLOYMENT AGREEMENT FOR ASSISTANT CITY MANAGER CINDY PROTHRO

Recommended Action:

Approve the Second Amendment to the Employment Agreement for Assistant City Manager Cindy Prothro and authorize the City Manager, Assistant City Manager, and City Clerk to sign the agreement.

ITEM MOVED AND WAS ADDRESSED PRIOR TO THE CONSENT CALENDAR.

CITY MANAGER NIKKI SALAS

- Presented information on the professional work history and contributions to the City by CiCiProthro.

- Stated that the Assistant City Manager was hardworking, honest and trustworthy.

- Recommended a three (3) year extension to the employment contract of Cindy Prothro.

COUNCILMEMBER HARPOLE

- Asked Cindy Prothro if she was fully prepared to continue performing the duties of the Assistant City Manager position.

ASSISTANT CITY MANAGER CINDY PROTHRO

- Confirmed her desire to continue in her current duties as Assistant City Manager.

COUNCILMEMBER NOBLE

- Stated the City Manager should be allowed to choose her own staff.

- Said we need to allow the City Manager to make the decisions to move our City forward.

- Stated that the City Council and the community must give the City Manager the opportunity to move the City forward.

MAYOR HACKBARTH-MCINTYRE

- Discussed briefly the one to three year contract options.

SPEAKERS

PAT ALEMAN - BARSTOW, CA

- Addressed his concerns on city rumors.

DARRIN FIKSTAD - BARSTOW, CA

- Stated his opposition to the extension of the employment contract of Assistant City Manager Cindy Prothro.
- Encouraged the City Council to hire an Economic Development Manager.

CITY CLERK COUSINO read a letter into the record at the request of Dr. Paul Anthony Courtney, subject "Retention and extension of Assistant City Manager Cindy Prothro" as follows:

"Good Evening Mayor, Council, Staff and Stakeholders, I am requesting that our Mayor and Council explain in detail as to why the sudden shift of supporting the retention and the extension of our current Assistant City Manager, Cindy Prothro. Last week I had an extended conversation with City Manager, Dr. Nikki Salas and to my surprise, she shared her intentions to retain Cindy Prothro as her assistant, shocked I must say I was, simply because I attended (3) different City Council meetings and Cindy stated out of her own mouth that she was "ill", she was retiring and as a result, she was not performing up to her fullest abilities (paraphrased). I even witnessed Councilman Harpole asking Cindy specific questions about her job and duties from the dais and she failed, resulting in Councilman Harpole becoming so upset that he rose from the dais, yelled a few choice words and tossed the agenda on the floor. Wow! And now, a few months later, Cindy was the best? This evening I am hoping to hear a very compelling argument as to the value of the employment retention. I would also like to hear the "overall" reasoning as to why, from Dr. Salas. Please do not take this as a personal trespass against Cindy Prothro, I have always found her a nice and approachable person. This was 100% about business and what was best for the City of Barstow. I hope and pray that the final decision this evening supports the sincere needs of what was in the best interest of the City of Barstow. I am trusting that the decision will continue to empower Dr. Nikki Salas, our new City Manager to aggressively, professionally and efficiently carry out her duties."

ROLAND ULLOA - BARSTOW, CA

- Stated his concerns and opposition to the extension of the employment contract of Assistant City Manager Cindy Prothro.

MANNY LOPEZ - BARSTOW, CA

- Requested that the City Council table the approval of the extension of the employment contract of Assistant City Manager Cindy Prothro until after the 2020 election.

BENNIE FREDRICK - BARSTOW, CA

- Stated his concerns and opposition to the extension of the employment contract of Assistant City Manager Cindy Prothro.
- Stated that the item should be tabled to a later date.

JOE CRUZ - BARSTOW, CA

- Stated his concerns and opposition to the extension of the employment contract of Assistant City Manager Cindy Prothro
- Stated that the item should be tabled to a later date.

JIMMY BROWN - BARSTOW, CA

- Stated his support to the extension of the employment contract of Assistant City Manager Cindy Prothro.

DAVID MENDEZ - BARSTOW, CA

- Stated his concerns and opposition to the extension of the employment contract of Assistant City Manager Cindy Prothro.
- Asked that the City Council consider a six-month contract extension.

VIRGINIA BROWN - BARSTOW, CA

- Expressed support for Cindy Prothro in her position of Assistant City Manager.

CITY COUNCIL TOOK A SHORT BREAK AT 8:50 P.M.

MEETING RECONVENED AT 9:05 P.M. WITH ALL MEMBERS PRESENT

MIKE HERNANDEZ - BARSTOW, CA

- Complimented Assistant City Manager Cindy Prothro on her availability to the public and the efficiency in her response time to his inquiries.
- Stated that the selection of personnel was at the discretion of the City Manager.

COUNCILMEMBER SILVA

- Responded to audience comments to refute that he was pro 'term limit'. He specified that it was 'voting' that already determined the terms of people in office.
- Clarified that the Council only hired the City Manager and City Attorney and that the City Manager selected her administrative team.

COUNCILMEMBER HARPOLE

- Said he has been very pleased with the job performance of City Manager Nikki Salas since she has been here.
- Discussed professional requirements and duties of City positions.
- Stated his respect for institutional knowledge and the knowledge and experience that Assistant City Manager Cindy Prothro has brought to the City.
- Stated that historically he has voted 'no' on every department head contract that has been brought before the City Council, reiterating to the City Council his opposition to City policy regarding department head hiring.
- Said that regardless, he wished to send a message of support to the City Manager.
- Stated that his support was with the City Manager and he would support her decision.
- Said he would vote 'yes' for the contract extension.

MAYOR PRO TEM HERNANDEZ

- Complimented Cindy Prothro on her honesty, integrity and ethics.
- Emphasized she has always found Assistant City Manager Cindy Prothro to be of high ethics.
- Felt, based on the knowledge she has, Cindy Prothro would be the best person for the job.
- Apologized to Assistant City Manager Cindy Prothro for the comments that some of the audience members made to her.

COUNCILMEMBER NOBLE

- Discussed the selection of the City Manager in her position and his continued support and belief in her abilities and the direction that she would take the City of Barstow.
- Encouraged the community to support the City Manager and her decisions in her choice of staff.

MAYOR HACKBARTH-MCINTYRE

- Discussed roles and responsibilities of the City Manager and Assistant City Manager.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carmen Hernandez, Mayor Pro Tem/Vice Chair
SECONDER:	Richard Harpole, Council Member/Director
AYES:	Noble, Harpole, Hernandez, Silva, Hackbarth-McIntyre

COUNCILMEMBER HARPOLE EXCUSED HIMSELF (AFTER THIS ITEM WAS ADDRESSED) FROM THE MEETING DUE TO ILLNESS AT 9:22 P.M.

DEFERRED ITEMS:

NONE

COUNCIL COMMITTEE REPORTS:

COUNCILMEMBER SILVA

- Stated that the Rules and Policies Committee would be meeting on July 29, 2019 at 9:00 a.m. at City Hall.
- Stated that he would be unable to attend the Chamber of Commerce Breakfast on July 16, 2019 and asked if another Councilmember could attend in his stead.

MAYOR PRO TEM HERNANDEZ

- Stated that the Mojave Desert Air Quality Management District was dark for the month of July.
- Noted that the Joint Powers Authority had a meeting scheduled in August in Rancho Mirage.
- Said the Street Committee Meeting would be held on August 7, 2019 at 5:00 p.m. at City Hall.

COUNCILMEMBER NOBLE

- Stated he had recently visited the Barstow Church of God in Christ on Riverside Drive to see a play.
- Noted that the play was put together in an outstanding manner.
- Stated he would be attending the Military Affairs meeting on July 23, 2019.

MAYOR HACKBARTH-MCINTYRE

- Stated that the San Bernardino County Transportation Authority (SBCTA) may be approving a 10-year delivery plan by next spring.

ADJOURNMENT:

By Consensus of the City Council, without objection, the meeting was adjourned at 10:16 P.M.

Respectfully submitted:

Approved:

JoAnne V. Cousino
City Clerk/Secretary

Julie Hackbarth-McIntyre
Mayor/Chair